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ATTORNEYS FOR OBJECTOR

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE GOOGLE USER PRIVACY)	Case No. 10-CV-00672-JW
LITIGATION)	
)	OBJECTION TO CLASS SETTLEMENT
This Pleading Relates To:)	AND TO APPLICATION FOR
ALL CASES)	ATTORNEYS' FEES AND EXPENSES

Objector Kervin Walsh files this Objection to Class Settlement and to Application for Attorneys' Fees and Expenses. Mr. Walsh resides at 430 Paloma, Corpus Christi, Texas 78412; and his telephone number is (361) 548-4875; Objector's signature is below. Mr. Walsh is a class member. Exhibit A hereto (Class notice sent to Mr. Walsh).

As a preliminary matter, Mr. Walsh, though counsel, shall file and serve this pleading so that it is received and filed on January 10, 2011. To the extent it is a requirement that the Objection be "mailed," Mr. Walsh objects to that requirement as unnecessary and overly burdensome. Objection is made to the class settlement as follows. First, the practice changes that Google has already made to Google Buzz pertaining to privacy settings cannot be counted as relief brought about by this settlement. Those changes have already occurred and were implemented prior to any settlement. Second, the education Google has agreed to do regarding the privacy aspects of Google Buzz are to be undertaken at Google's discretion. Again, this is purely window dressing and of no value because education done at Google's discretion is not an enforceable undertaking. Thus, other than the \$8.5 million, this settlement is of no value.

1 None of the \$8.5 million is being paid to class members. The reason given in the class
2 notice for this is that few, if any, class members suffered a compensable injury and because a pro
3 rata distribution of the fund is not feasible due to the size of the class. A *cy pres* distribution should
4 only be undertaken after all other avenues of distributing money to the class have been exhausted.
5 That has not happened here and objection is made that the proponents of this settlement have not
6 discharged their burden of proof on this issue. For example, a claims-made settlement which
7 distributed the funds to class members likely would have been feasible. This settlement which
8 provides no relief to the class is unreasonable, inadequate and unfair.

9
10 Objection is made to the attorneys' fee and expense request. Inadequate time and
11 information have been provided to analyze the attorneys' fee and expense application. Moreover,
12 objection is made that the attorneys' fees sought is excessive under a lodestar analysis. Moreover,
13 the class notice is inadequate in that it does not disclose the amount of expenses and costs sought to
14 be reimbursed.

15 Objector requests that this settlement be disapproved in all respects and, in the alternative,
16 that class counsel's attorneys' fee and expense request be denied.

17 By: 

18 Kervin Walsh
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Respectfully submitted,

By: /s/ Martin Murphy
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COUNSEL FOR OBJECTOR

CERTIFICATE/PROOF OF SERVICE

On this the 10th day of January 2011, a true and correct copy of the above and foregoing instrument was duly served as indicated below either by facsimile and/or email upon the following counsel of record and to all counsel of record via e-mail according to e-filing:

Via CM-ECF Efiling

Clerk of the United States District Court
for the Northern District of California
San Jose Division
280 South 1st Street
San Jose, CA 95113

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/s/ Martin Murphy
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